

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

SUPREME CT. CASE NO.: 05-555

INQUIRY CONCERNING  
JUDGE JOHN R. SLOOP; JQC  
NO.: 04-455

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THE DEPOSITION OF  
LEWIS JOHN HARTMAN

REPORTED BY:  
JUNE M. BUFFORD, RPR  
In the Office of:  
ASSOCIATED COURT REPORTERS  
101 W. Fulton Street  
Sanford, Florida  
May 10, 2005  
At 9:15 a.m.

APPEARANCES:

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Also present: Judge John R. Sloop

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1 WHEREUPON:  
2 The following proceedings were had:  
3 LEWIS JOHN HARTMAN

4 having been first duly sworn, was examined and deposed as  
5 follows:

6 DIRECT EXAMINATION

7 BY MS. ROSS:

8 Q Would you state your full name, please.

9 A Lewis John Hartman.

10 Q And, Mr. Hartman, by whom are you employed?

11 A Seminole County Sheriff's Office.

12 Q Could you give us the benefit of your  
13 background and education. And you can start with high  
14 school, okay?

15 A Okay. I started high school in 1993 at  
16 Northeast Senior High School in St. Petersburg, Florida.  
17 Graduated in 1997. Moved to Orlando shortly thereafter.  
18 worked security for about two years. Joined the  
19 sheriff's office in July of 1999.

20 Q Okay. When you say that you worked security in  
21 Orlando, where did you work security?

22 A It was Lake Nona Golf and Country Club through  
23 Atlantic Security. It was a private corporation.

24 Q And then you said you went to work for the  
25 sheriff's office, the sheriff's office where?

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1 A At the jail, at the John E. Polk Correctional  
2 Facility, initially as a detention deputy trainee.

3 Q And this is in Orlando?

4 A The jail? I'm sorry, here in Sanford.

5 Q Thank you.

6 A I'm sorry.

7 Q Okay. So you moved from Orlando to Sanford and  
8 went to work for the sheriff's department in Sanford?  
9 A Correct.  
10 Q When you began with the sheriff's department  
11 in Sanford, you began at the jail as a detention  
12 officer?  
13 A Correct. Initially as a trainee. I was not  
14 certified at the time.  
15 Q What did you have to do to become certified?  
16 A I began the Corrections Academy at Seminole  
17 Community College in, I believe it's September of '99.  
18 Q What does that entail?  
19 A It was, if my memory serves correct,  
20 approximately five hundred forty hours of training in  
21 corrections, legal, basically what the state required.  
22 Q And when you say what the state requires, is  
23 that required by the state for some type of a license or  
24 a position?  
25 A It's training you have to have before you can

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1 sit for the certification exam.  
2 Q Did you sit for the certification exam?  
3 A Yes, I did.  
4 Q And what certification did you obtain?  
5 A Correctional Officer certification.  
6 Q When did you obtain your Correctional Officer  
7 certification?  
8 A I believe it was December of 1999.  
9 Q After you obtained your certification, where

10 did you work?

11 A I continued to work at the John E. Polk  
12 Correctional Facility.

13 Q Take me through the positions that you worked  
14 since certification, just in general. It doesn't have  
15 to be in detail.

16 A I worked everywhere from minimum, medium and  
17 maximum security housing units, kitchen, laundry,  
18 transportation, intake, release, medical. You name it,  
19 I worked it.

20 Q And when you say you name it, you worked it,  
21 you're talking about the jail facility?

22 A Correct.

23 Q So you would know all about intake at the jail  
24 facility?

25 A As it pertained to when I worked there. I

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1 don't know if policies have changed since then.

2 Q Okay. What was the time period that you worked  
3 intake at the jail facility?

4 A As my full-time assignment, it was January of  
5 2000 to approximately June or July of 2000.

6 Q At some point did you become assigned to  
7 courthouse duty?

8 A Correct. Initially I was assigned to the  
9 courtrooms at the jail themselves, still as a  
10 correctional officer.

11 Q When was that approximately?

12 A Right about the middle of 2002.

13 Q Okay.  
14 A Beginning of 2003.  
15 Q When you say you were assigned to the  
16 courtrooms at the jail, explain that a little to me how  
17 that works.  
18 A There's two courtrooms at the jail. One of  
19 them being a first appearance courtroom, the other one  
20 being what we considered like a felony courtroom. They  
21 did the felony VOPs, arraignments, that type of stuff in  
22 there.  
23 Q When you say VOPs, violations of probations?  
24 A Yes, ma'am.  
25 Q If you could just --

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1 A I'm sorry.  
2 Q -- spell it out for us, okay?  
3 A Each of the courtrooms had deputies that were  
4 assigned to the jail in those courtrooms.  
5 Q So it wasn't a courtroom at the jail facility  
6 itself?  
7 A No. They are physically inside the jail.  
8 Q Okay. And what courthouse was this?  
9 A It wasn't really a courthouse, it was just  
10 those two at the jail.  
11 Q At some point in time, did you change to  
12 working courthouse duty anywhere else or courtroom duty  
13 anywhere else?  
14 A Yes. But I think I need to go back to the  
15 training to get to that point.

16 Q Okay. Go ahead.

17 A In 2002, I attended what's called the Crossover  
18 Academy also at Seminole Community College. There were  
19 approximately six months worth of classes that I had to  
20 take that gave me the extra training from corrections to  
21 law enforcement or road patrol work.

22 Q Okay. During this entire time period you were  
23 still working for the sheriff's department, correct?

24 A Correct.

25 Q So this was a promotion of some type, or it was

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8

1 just a different type of training?

2 A It was a lateral transfer and extra training.

3 Q At the conclusion of the six months of  
4 Crossover Academy, what position did you obtain?

5 A I went from a detention deputy to a deputy  
6 sheriff; however, I was still assigned at the jail. It  
7 just kind of increased my responsibilities a little bit  
8 there.

9 Q Now, if you could take us from that point when  
10 you passed through the Crossover Academy, became a  
11 deputy sheriff and you increased your responsibilities  
12 to the current day.

13 A Okay. Initially my responsibilities only  
14 changed that I began investigating incidents that  
15 happened at the jail. I began to serve warrants.  
16 Basically instead of pulling a deputy off of the road,  
17 we just had what we considered dual certified for sworn  
18 deputies that were assigned to the jail to handle the

19 incidents. In October of. . . I'm sorry. I'm off on my  
20 years a little bit.

21 Q It's okay.

22 A I got sworn in, it would have been 2001, 2002,  
23 not 2003.

24 Q Okay.

25 A In October of 2002, I got transferred to the

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1 Judicial Security Division at the sheriff's office.

2 Q And what is the Judicial Security Division of  
3 the sheriff's office?

4 A It's those deputies assigned to the court  
5 facilities themselves, currently being the downtown  
6 civil courthouse, the Criminal Justice Center and the  
7 Juvenile Justice Center.

8 Q When you became assigned to the Judicial  
9 Security Division, were you assigned to any particular  
10 judge, any particular courtroom, or was it as need be?

11 A Initially I was assigned to entry security, the  
12 main doors. I was also trained in working courtrooms  
13 and I would do that in filling in for deputies that  
14 would take time off.

15 Q You said entry security at the doors, was that  
16 at each of the three courthouses that you described  
17 civil, criminal and juvenile or any particular one?

18 A At the time they only had civil, what's now  
19 considered civil, it used to house both criminal and  
20 civil here and juvenile. But, yes, I was trained in  
21 both of them.



22 Q Okay. At some point did you transfer to  
23 working in the courtrooms full time?

24 A I believe it was the end of August, beginning  
25 of September of last year 2004.

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1 Q In August or September of 2004, when you became  
2 a full-time courtroom deputy, was there any particular  
3 judge to whom you were assigned?

4 A Yes. Ralph Eriksson.

5 Q And explain how the system works a little bit  
6 to me in Seminole County. Are deputies employed by the  
7 sheriff's department assigned to a particular judge  
8 courtroom deputies?

9 A You lost me on that one.

10 Q Okay. I understand you're employed by the  
11 sheriff's department.

12 A Correct.

13 Q You get your paycheck from the sheriff's  
14 department or the state?

15 A The sheriff's office.

16 Q Sheriff's office. But there is some type of an  
17 assignment system whereby you became assigned to Judge  
18 Eriksson, how does that come about?

19 A According to the sheriff's office, my  
20 assignment is judicial security.

21 Q Okay.

22 A The supervisors within our division have the  
23 discretion of quote, unquote daily placement of the  
24 deputies. They have the belief that one deputy assigned

25 to the same courtroom on a consistent or regular basis

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1 makes a better working environment. We know the  
2 procedures that the judges like. It just makes  
3 everything flow better.

4 Q Okay. So did Judge Eriksson ask for you or was  
5 this simply a matter of your superiors assigning you to  
6 Judge Eriksson?

7 A In my particular case, a little bit of both.  
8 His former deputy, when we switched buildings, decided  
9 she wanted to stay here at the civil courthouse. I had  
10 worked with him frequently. I was the usual fill-in for  
11 him and so it was a little bit of he requesting if  
12 possible for me to be assigned to him. And it just  
13 happened that my supervisors agreed and asked if I was  
14 willing to take that assignment.

15 Q Okay. Now, who are the supervisors that make  
16 the judicial assignments?

17 A Currently you have Sergeant Joe Sweeney at the  
18 Civil courthouse. Sergeant Todd Brown at the Criminal  
19 Justice Center. And Latasha Jarrells who is over at  
20 Juvenile and certain aspects of the Criminal Justice  
21 Center.

22 Q During the time period that you have -- strike  
23 that.

24 Let's use working for Judge Eriksson at the  
25 moment just to convey what courtroom that you're placed

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1 in, okay?

2 A Okay.

3 Q During the time period that you worked for  
4 Judge Eriksson or have worked for Judge Eriksson, have  
5 you been in all three places, civil, criminal and  
6 juvenile?

7 A No.

8 Q Okay. What areas does Judge Eriksson, or what  
9 court is Judge Eriksson assigned to during the time  
10 period you've worked?

11 A Initially the five county judges did four weeks  
12 of a criminal rotation and one week of a civil rotation.  
13 During that one week of civil, I was at the downtown  
14 Sanford courthouse across the street. During those  
15 other four weeks we were at the Criminal Justice  
16 Center.

17 Q Okay. Now, during the time period that you've  
18 worked for Judge Eriksson, have you also had the  
19 opportunity to fill in for the other four county court  
20 judges?

21 A Not all of them.

22 Q Have you ever filled in for Judge Sloop?

23 A I don't think so. I've gone in and assisted  
24 Deputy Csisko, but I can't say that I was ever assigned  
25 as the primary deputy in the courtroom.

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1 Q Okay. How many times have you assisted Deputy

2 Csisko in Judge Sloop's courtroom?

3 A Since I've been assigned to a courtroom?

4 Q Yes.

5 A Dozens. It's hard to -- whenever we're not  
6 busy we just kind of pop in and out to see who needs  
7 help with anything, so it's hard to give an exact  
8 number.

9 Q What other judges, county court judges have you  
10 assisted in front of?

11 A Judge Marblestone, Judge Bravo and Judge Herr.  
12 All of them.

13 Q And during the time period that you assisted in  
14 the courtrooms for other county court judges besides  
15 Judge Eriksson, were these during criminal proceedings?  
16 Let me rephrase the question.

17 During the time period that you assisted other  
18 deputies who served other judges, were these in criminal  
19 proceedings, civil proceedings or both?

20 A Both. A lot more so when we were, before the  
21 Criminal Justice Center opened up, because we were all  
22 in the same building and they're conducting both civil  
23 and criminal and we just popped in and out.

24 Q Okay.

25 A Since we've switched, it's mostly been criminal

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14

1 only in that the only real civil hearings we've done at  
2 the other building were injunction review hearings.

3 Q Okay. When did the split come about with the  
4 new courthouse and moving and everything?

5           A     October 1 of 2004 is when I believe the  
6           official open date was.

7           Q     At the time that the new courthouse was opened  
8           in approximately October 1, 2004, what happened in terms  
9           of judges relocating?

10          A     The criminal judges and county judges all  
11          relocated to the Criminal Justice Center. The county  
12          judge that did the one week of civil rotation would come  
13          down to the civil courthouse just for that week, but  
14          their main office was still at the Criminal Justice  
15          Center.

16          Q     So as of October 1, 2004, which of the county  
17          court judges were located in the new criminal  
18          courthouse?

19          A     Make sure I'm understanding. Technically all  
20          of them. It was just that one week out of the five-week  
21          rotation they would temporarily come down here to handle  
22          civil cases.

23          Q     Okay.

24          A     But all of them were assigned down at the other  
25          building.

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1           Q     And when you say all of them were assigned at  
2           the other building, we're talking about the criminal  
3           courthouse?

4           A     Correct. I'm sorry.

5           Q     And did all of the county court judges have  
6           chambers at the one criminal courthouse?

7           A     Yes.

8 Q Tell me who the other deputies are who are  
9 assigned to each of the other four county court judges?  
10 A Currently or at the time we relocated?  
11 Q Well, let's go to December of 2004.  
12 A There's only one that I'm not sure of when the  
13 exact switch happened.  
14 Q Okay.  
15 A Judge Marblestone had Deputy Mercado.  
16 Q Full name, please?  
17 A Don't ask me to spell his first name. I'm not  
18 sure I can.  
19 Q Okay.  
20 A Judge Bravo, and this is the one I'm not sure  
21 on, he had Lou Mattox, L-O-U M-A-T-T-O-X. He currently  
22 has David Lohr.  
23 Q And you don't know when the switch came about?  
24 A It was -- L-O-H-R.  
25 Q L-O-H-R. Thank you.

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1 A Correct. I'm not sure when the exact switch  
2 happened. It's been a couple months.  
3 Judge Herr has Chris Folsom, who is a civilian.  
4 He's not a sworn deputy.  
5 Q Okay. So he doesn't, Chris Folsom doesn't  
6 report to the sheriff's office?  
7 A No. He's employed by the sheriff's office the  
8 same as we are, he just is a civilian bailiff rather  
9 than a deputy sheriff.  
10 Q Okay. And Judge Sloop had Olly Csisko?

11 A Correct.

12 Q Okay. I want to take you to the events that  
13 occurred on December 3rd, 2004. Now, during that time  
14 period, during that particular day, where were you  
15 assigned?

16 A I was assigned to Judge Eriksson who was  
17 conducting civil traffic hearings in Courtroom 1B, as in  
18 boy, that morning.

19 Q And where was Judge Sloop that day?

20 A He was next door in Courtroom 1A conducting  
21 criminal arraignments.

22 Q Criminal arraignments for traffic violations?

23 A All misdemeanor. The majority of them are  
24 traffic, yes, but it's all misdemeanors.

25 Q Misdemeanors. If you could, because I am

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1 unfamiliar with the criminal courtroom, what I'd like  
2 you to do is on a sheet of paper for me please draw like  
3 the setup, how you enter the courtroom, I mean, where  
4 the entrance is to the courthouse, the location of --  
5 you don't have to be an artist to do this. I want to  
6 understand the general setup, and this is what I'm  
7 looking for.

8 I want to understand the courtrooms, the  
9 corridors behind the courtrooms, where the judges have  
10 access to and where the chambers of the judges are in  
11 relation to Courtrooms 1A and 1B.

12 A Do you want, I just want to make sure. You  
13 want the physical layout of the courtrooms themselves?

14 Q The physical layouts of the courtrooms  
15 themselves. If the judge was to exit the bench --  
16 A where would he go.  
17 Q -- where would he go in order to get access  
18 back to --  
19 A Chambers.  
20 Q -- chambers.  
21 A So you don't necessarily want public hallways?  
22 Q Not for right now.  
23 A Okay.  
24 MR. LUBET: Lauri, at some time I would suggest  
25 maybe we go over there, maybe not today -- well,

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1 we're going to be over there today, weren't we, to  
2 take the depositions of --  
3 MS. ROSS: Yes, absolutely.  
4 JUDGE SLOOP: Use that to walk you through the  
5 whole place.  
6 MS. ROSS: That's great. But what I'm trying  
7 to understand, I'm going to ask him some questions  
8 about where he saw you, Judge --  
9 JUDGE SLOOP: Okay.  
10 MS. ROSS: -- and I need to understand when you  
11 talk about a hallway --  
12 MR. HARTMAN: I got you.  
13 MS. ROSS: -- I need to understand where you  
14 were when you saw the judge, so that's what I'm  
15 trying to describe.  
16 MR. HARTMAN: Okay. I'll see if I can do this.



17 (Whereupon, a brief pause was had.)  
18 MS. ROSS: Let's mark this because I'm going to  
19 ask him to draw some locations on his sketch.  
20 (Whereupon, Exhibit A was marked for  
21 identification.)  
22 BY MS. ROSS:  
23 Q Okay. Now, on this sketch that you've just  
24 made, you've shown Courtroom 1A and Courtroom 1B  
25 separated by a computer room, and a judges' elevators.

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1 Is that a private elevator just for the judges?  
2 A And staff members of the building also have  
3 access to it.  
4 Q Where is the entrance to the courthouse?  
5 A The entrance to the courthouse itself would be  
6 roughly back here.  
7 Q It's back behind this picture?  
8 A No. Actually this area right in here is where  
9 the judge would sit. And this area right here is where  
10 the judge would sit.  
11 Q Okay. Now, when you say this, the court  
12 reporter can't take it down.  
13 A I'm sorry.  
14 Q So you need to describe for me on the  
15 picture --  
16 A Okay.  
17 Q -- what the area is.  
18 A On Courtroom 1A, directly below where I've  
19 written Courtroom 1A and above where the exhibit sticker

20 is --

21 Q Yes.

22 A -- is what I would consider the judge's bench.

23 Q Okay. So if I draw judge's bench right here,  
24 would that be accurate?

25 A Correct.

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1 Q And that's for Courtroom 1A?

2 A That's Courtroom 1A.

3 Q Where is the judge's bench for Courtroom 1B?

4 A Directly below where I wrote Courtroom 1B to  
5 the left of where it says judges' elevator.

6 Q So the judge's bench here?

7 A Correct.

8 Q And the judge's bench is facing, in both  
9 instances facing out where you've written Courtroom 1A  
10 and 1B?

11 A It would be facing towards the top of the  
12 paper.

13 Q Okay. So the judge would be looking this way  
14 while he's on the bench?

15 A That's correct.

16 Q Now, where are the points of entry and exit for  
17 the judge from those two courtrooms?

18 A In Courtroom 1B, it would be, if I'm sitting on  
19 the judge's bench facing the audience or facing the top  
20 of the paper, it would be to the right. If I'm in  
21 Courtroom 1A, again, facing the audience or the top of  
22 the paper, it would be to the left.

23 Q Okay. And in both instances when the judge  
24 leaves the courtroom, they're exiting into an area that  
25 you have as a big square, what is that area?

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1 A Actually in relation nowhere near that big.

2 Q Okay. But what is the general area?

3 A It's just a corridor behind that, or what would  
4 be to the bottom of the page would actually be a staff  
5 corridor, runs the entire length of the back of the  
6 building.

7 Q Okay. So if I were to write staff corridor --

8 A Not quite.

9 Q I'm sorry.

10 A It's actually, it comes more like this and then  
11 it makes an L. This corridor right here makes an L  
12 shape. It comes down and then it would open up into  
13 that staff corridor.

14 Q Staff corridor. Through here?

15 A Would be out this way where there would be a  
16 door, and then it would actually run more along like  
17 this.

18 Q Okay. And in both instances there would be  
19 access from the courtroom, from each of the courtrooms  
20 for the judges directly to the judges' elevator and  
21 through the staff corridor?

22 A Correct.

23 Q Let me rephrase that. In both instances, the  
24 judges would have access to the elevator through a staff  
25 corridor or they could leave through the staff corridor

1 separately; is that correct?

2 A Kind of.

3 Q Okay.

4 A No matter which courtroom you're leaving, you  
5 can access this back hallway --

6 Q Yes.

7 A -- that they have access to the elevator, or  
8 they can leave that hallway into what I would consider  
9 to be the staff corridor.

10 Q Okay. So there are two methods by which judges  
11 can leave outside of the public access?

12 A Correct.

13 Q And that would be either the judges' elevator  
14 or by way of the staff corridor?

15 A Correct.

16 Q Where are the judges' chambers located?

17 A They would take the judges' elevator, for  
18 county court judges would be on the fourth floor,  
19 circuit court judges are on the fifth floor.

20 Q Where is Judge Herr? Is he on the fourth  
21 floor?

22 A Correct.

23 Q He's the administrative judge? You don't know?

24 A Couldn't tell you.

25 Q Okay.

1 A I didn't keep track of who is what.

2 Q Where is the chief judge's chambers located,  
3 Judge Perry?

4 A Judge Perry was located at the civil  
5 courthouse.

6 Q So he's at the separate courthouse?

7 A Correct. He was not at the Criminal Justice  
8 Center.

9 Q Okay. So I want to go back to December 3rd and  
10 the events of December 3rd, and then have you describe  
11 where you were at certain times.

12 A Okay.

13 Q On December 3rd you were in Judge Eriksson's  
14 courtroom?

15 A Which would have been 1B, correct.

16 Q And could you describe what happened that day  
17 with regard to the people that came into the courtroom?

18 A Typically in civil traffic hearings, there's a  
19 large number of people, I'd say usually about sixty,  
20 seventy, give or take a few on each end, plus law  
21 enforcement officers. They were all located in  
22 Courtroom 1B.

23 Q And what time did Judge Eriksson conduct court  
24 from? We're talking specifically December 3rd.

25 A All right. Nine o'clock, give or take a couple

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1 of minutes to, I believe it was shortly after eleven. I

2 don't remember the exact time he ended.

3 Q Were you in the courtroom during most of the  
4 time period, if not all?

5 A Yes.

6 Q Was there occasions for you to leave or take  
7 breaks or were you there the whole time?

8 A Typically I'm there the entire time. This  
9 particular day towards the end I had a couple occasions  
10 to leave.

11 Q Okay. And what were those occasions in  
12 general?

13 A Specifically towards the eleven o'clock hour  
14 towards the end of the day, we noticed there were  
15 fifteen, twenty people seated in Courtroom 1B; however,  
16 we only had like one, maybe two cases left. And it was  
17 just really odd that there were that many people left  
18 with so few cases. It just didn't add up. Judge  
19 Eriksson began to question those individuals as to why  
20 they were in Courtroom 1B.

21 Q Okay. Now, I want to take you through this  
22 slowly for a second. When Judge Eriksson began  
23 questioning, was he doing his questioning from the  
24 bench?

25 A Yes.

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1 Q Was he having you do anything to assist him,  
2 such as checking the people's citations?

3 A He did not specifically request, it's just  
4 something that I normally do.

5 Q Okay. And when Judge Eriksson started  
6 questioning the people, what were some of the  
7 responses?

8 A Judge Eriksson's questions were to the effect  
9 of what paperwork or what makes you believe you're  
10 supposed to be in this courtroom. A few of them, I  
11 couldn't tell you exactly how many stated again to the  
12 effect of my paperwork, my ticket shows a return date of  
13 this time and it had Courtroom 1B on it, or so they  
14 stated.

15 Q And then what did you do?

16 A Initially Judge Eriksson would ask them, okay,  
17 what's the charge on the uniform traffic citation or  
18 UTC, they would respond whatever it was.

19 Q They'd read from whatever their paperwork was?

20 A There were a couple of them that just had  
21 absolutely no clue what he was talking about and those  
22 were the ones I assisted in looking at their paperwork  
23 and helped in determining where they were supposed to  
24 be.

25 Q So when he would ask them what's on the UTD,

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1 they wouldn't know what he was talking about?

2 A Correct.

3 Q And then you would go over to each one of these  
4 individuals and look at their paperwork?

5 A And look at it and either inform the judge or I  
6 would just tell them directly that they needed, where  
7 they needed to be.

8 Q Now, how many times approximately did you do  
9 that with people who were in Judge Eriksson's courtroom  
10 on December 3rd?

11 A Looking at the UTCs themselves?

12 Q Yes.

13 A Six, seven, eight, somewhere around there.

14 Q When you looked at the UTDs, the paperwork,  
15 which indicated the courtroom that these people were  
16 supposed to be in, what did it suggest to you?

17 A Some of them stated simply Criminal Justice  
18 Center, some of them stated Courtroom 1B at the Criminal  
19 Justice Center.

20 Q Some of the tickets -- strike that.

21 After looking at these tickets, did you  
22 conclude the tickets were wrong in terms of location?

23 A Some of them, yes.

24 I'm sorry. There was also a couple of them  
25 that said Courtroom 1A.

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1 Q What did Judge Eriksson do when you started  
2 reading off the charges and the people started answering  
3 his questions?

4 A Judge Eriksson directed them to exit Courtroom  
5 1B, walk next door to Courtroom 1A, and to see if Judge  
6 Sloop was still in session.

7 Q Did he ask, did Judge Eriksson ask you to  
8 assist these people?

9 A Not that I recall in an actual verbal go help  
10 them, but I understood the look that he gave me and the



11 nod.

12 Q And that's based on your communication with him  
13 over a regular period of time?

14 A Correct.

15 Q That he looked at you, he nodded at you and you  
16 went with these people to the next courtroom?

17 A I did not go with them.

18 Q Okay.

19 A They exited through the public hallways. I  
20 took this back corridor and went in the back entrance,  
21 or what would be the judges' entrance.

22 Q Okay. Let me restate my question then.

23 When Judge Eriksson nodded at you, you  
24 understood you were supposed to assist them in some  
25 way?

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1 A Correct.

2 Q And then the people at Judge Eriksson's  
3 direction went to the next courtroom?

4 A Correct.

5 Q And they exited through the public corridors?

6 A Correct.

7 Q You took the back way?

8 A Correct.

9 Q Now, what did you do when you took the back  
10 way?

11 A Initially as I exited the courtroom, I used my  
12 agency issued radio and contacted Deputy Csisko. I know  
13 just from experience that Judge Sloop went through his

14 docket a little bit quicker than some of the other  
15 judges and I wanted to see, A, if she was in there, B,  
16 if not, where I could make contact with her.

17 Q Okay. And did you get ahold of Deputy Csisko  
18 by radio?

19 A Yes, I did. And she stated she was in  
20 Courtroom 1A.

21 Q Did you enter into Courtroom 1A then?

22 A I don't remember if I walked in Courtroom 1A  
23 and talked to her or she stepped into the back corridor  
24 and I talked to her.

25 Q When you spoke to Deputy Csisko, what did she

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1 tell you?

2 A I believe it was along the lines of he was  
3 already off the bench, that the bench warrants had  
4 already been issued, and that she was going to need some  
5 assistance in taking people into custody.

6 Q Did you say anything to her at that point?

7 A Yes. Again, I don't remember exactly what I  
8 said, but it was to the effect of that they had been in  
9 my courtroom the entire time only because I remember a  
10 couple of them specifically asking me if that was  
11 Courtroom 1B that they were in. And I just for some  
12 reason remember talking to them and seeing them  
13 throughout the morning that they were sitting there.

14 Q Did Deputy Csisko indicate to you that she was  
15 going to talk to the judge about it?

16 A I believe so, only in that the judge had

17 verbally stated that the bench warrants were issued;  
18 however, they had not been signed yet. So I believe she  
19 would have to go up and talk to him about that part.

20 Q Okay. So correct me if I'm wrong. When you  
21 communicated with Deputy Csisko you learned from her  
22 that the bench warrants had been issued by the judge on  
23 the bench, but the bench warrants themselves had not  
24 actually been signed yet?

25 A Correct.

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1 Q And she was going to have to talk to the judge  
2 before he signed the arrest warrants?

3 A I don't know if talk to him before he signed  
4 them is necessarily the correct phrasing. We had to let  
5 him know that the people had shown up because we  
6 couldn't, we could not take them into custody until we  
7 actually have a signed bench warrant.

8 Q Okay.

9 A Or at the direct order from the judge and his  
10 just stating it on the bench --

11 Q It wasn't sufficient?

12 A Correct. It's not sufficient for us to do  
13 that.

14 Q Okay. So in this point, at the point that you  
15 talked to Deputy Csisko, you understood the judge may  
16 have stated on the bench that bench warrants had been  
17 issued, but you had to wait where any deputies would  
18 have to wait for signed arrest warrants before taking  
19 people into custody?

20 A Correct.

21 Q And you alerted Deputy Csisko as soon as

22 possible that these people were all present in Judge

23 Eriksson's courtroom that day?

24 A Correct. Prior to her talking to the judge.

25 Q How long was Deputy Csisko gone after you spoke

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1 to her?

2 A I don't know. After I spoke with her, I still

3 had court in progress in 1B. I went back to courtroom

4 1B to be with my judge.

5 Q Okay. For how long a period of time were you

6 gone assisting your judge in Courtroom 1B?

7 A I'd say five minutes, ten minutes at the most.

8 I heard some talking in the back hallway.

9 Q Was that before or after you went back in to

10 assist Judge Eriksson?

11 A I had gone back in to assist Judge Eriksson,

12 but the deputies typically sit along the side of the

13 judge's bench --

14 Q If you could just draw that for me, general

15 location.

16 A The deputies tend to sit roughly right in this

17 area.

18 Q Okay.

19 A Where the star is.

20 Q Okay.

21 A When you're sitting here, if there's any

22 talking in this back hallway, you not necessarily can

23 hear what they're saying, but you can hear that there's  
24 someone back there. The doors don't block out all the  
25 sound.

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1 Q So when you were sitting in Judge Eriksson's  
2 courtroom on the deputy's bench, you could hear some  
3 type of conversation going on in the staff corridor?

4 A Not so much the staff corridor because there's  
5 another door blocking that, it would be this back  
6 hallway.

7 Q In the back hallway. Let me restate it.  
8 while you were sitting in Courtroom B, on the  
9 deputy's bench after you returned to Judge Eriksson's  
10 courtroom, you could hear some conversation coming from  
11 the back corridor?

12 A Correct. After probably about five, ten  
13 minutes at the most.

14 Q Do you recognize the voices?

15 A I can't say that I recognized them. I mean, I  
16 thought one of them was Deputy Csisko, but I don't know  
17 that I could have said, oh, that's Deputy Csisko back  
18 there talking.

19 Q What did you hear coming from the back  
20 corridor?

21 A I could not make out any words specifically  
22 that were being said, I can just hear conversation.

23 Q Was it loud conversation?

24 A No, just normal every day.

25 Q And was there anything that you heard?

1 A Not specifically, no.

2 Q How about generally about what was going on?

3 A That's what I'm saying, I could not hear actual  
4 words, I could just hear that there was some type of  
5 conversation.

6 Q Okay.

7 A And that there was more than one person  
8 speaking.

9 Q So all you generally heard was some back  
10 conversation in the back hallway while you were still  
11 in Judge Eriksson's courtroom?

12 A Correct. Without being able to hear specific  
13 words.

14 Q Did you go outside the courtroom to find out  
15 what was going on?

16 A Yes.

17 Q What happened then?

18 A I noticed Olly standing over by the judges'  
19 elevator -- probably need to show this to kind of --

20 Q Okay.

21 MR. LUBET: He went -- you said, did you go  
22 outside the courtroom, you mean back into that  
23 corridor?

24 MS. ROSS: Exactly. Into the back corridor, if  
25 I wasn't clear enough.

1 MR. HARTMAN: Across from the elevator there's  
2 a table and a coat rack. The coat rack is where the  
3 judges typically leave their robes during the week  
4 that they're in Courtroom 1A. The table is just  
5 kind of there for them to set stuff on while they're  
6 changing.

7 When I left Courtroom 1B, I looked over, Olly  
8 was standing by the elevator, Judge Sloop was  
9 kneeling or bent over, I don't remember exactly  
10 which, at the table, at the edge of the table, the  
11 short edge of it, signing the warrants.

12 BY MS. ROSS:

13 Q When you saw Judge Sloop signing the warrants,  
14 did you say anything to him?

15 A Initially I spoke with Olly, but then, yes,  
16 eventually I did speak with Judge Sloop directly.

17 Q Okay. First tell me your conversation with  
18 Olly. This is Olly Csisko.

19 A Correct. Initially I asked Deputy Csisko if  
20 she had relayed the entire message to Judge Sloop. And  
21 in that meaning, had she told him that they were in my  
22 courtroom all morning.

23 Q What was her response?

24 A I don't remember offhand.

25 Q When you asked Olly Csisko if she relayed the

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1 entire message to Judge Sloop, was Judge Sloop present?

2 A Yes. But I don't know if we were really

3 speaking loud enough because I was trained to keep it  
4 down.

5 Q Okay.

6 A And he was, we were kind of over here, and he's  
7 over here signing and I think he had his attention, he  
8 wasn't paying attention to us is what I mean, so I don't  
9 know that he could hear.

10 Q So you were having a conversation with Olly  
11 Csisko over by the judges' elevator, and the judge was  
12 at the table and you don't know whether he heard that  
13 conversation?

14 A Correct.

15 Q And you don't remember whether Olly told you  
16 that she had relayed the message to the judge or not?

17 A I remember it being, I don't remember exact  
18 words, but it being to the effect that she had not,  
19 only in that I then began a conversation with Judge  
20 Sloop specifically. I don't believe I would have done  
21 that had she said she relayed the entire message.

22 Q Okay. But she didn't tell you what portion of  
23 the message she relayed, if any?

24 A Correct.

25 Q Now, tell me about your conversation with Judge

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1 Sloop.

2 A I had noticed Judge Sloop signing the actual  
3 warrants themselves, and again to the effect I remember  
4 I said, excuse me, Judge, but I feel I need to tell you  
5 that the people that are in the courtroom right now have



6           been in my courtroom all morning.

7           MR. LUBET: You said the people that he was

8           signing the warrants for are the people that had

9           gone into his courtroom. I didn't quite understand.

10          MR. HARTMAN: I'm sorry. And I'm paraphrasing.

11          I don't remember the exact words I used.

12          MR. LUBET: Just for clarification.

13          MS. ROSS: That's quite all right.

14          MR. HARTMAN: What I was referring to was the

15          people he was signing the warrants for that were

16          currently in 1A had been in my courtroom all

17          morning.

18          MR. LUBET: May I ask this one question? Just

19          one?

20          MS. ROSS: Go ahead.

21          MR. LUBET: How did you know that the people

22          that the warrants he was signing were for those

23          people?

24          MR. HARTMAN: I can't say that I knew a hundred

25          percent specific right then and there, just I had

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1           the gut reaction.

2 BY MS. ROSS:

3           Q     You wanted to stop, is it fair to say you

4           wanted to stop him from signing arrest warrants for

5           people that you knew had been in Judge Eriksson's

6           courtroom and were now in Courtroom 1A?

7           A     Yes. Or not necessarily to stop him --

8           Q     Alert him?

9           A     Because I'm in no position to tell him how to  
10 do his job.

11           Q     Right.

12           A     I wanted to make sure he had full information  
13 to make a proper decision on.

14           Q     Okay. And did Judge Sloop tell you at that  
15 point that that's not my problem. It's their  
16 responsibility to be in the correct courtroom?

17           A     Or words to that effect, correct.

18           Q     What did you say when the judge responded,  
19 that's not my problem. It's their responsibility to be  
20 in the correct courtroom?

21           A     I basically dropped the entire issue. Again,  
22 it wasn't my position to tell him what to do or what not  
23 to do. I felt that at that point I had informed him  
24 that they were in my courtroom.

25           Q     But didn't you tell him, didn't you also tell

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1           him that you'd looked at the paperwork and the paperwork  
2 directed them to the wrong courtroom?

3           A     I believe I did.

4           Q     And, I mean, you would have pointed that out to  
5 him, would you not, since you had looked at the  
6 paperwork yourself?

7           A     I believe I would have, yes.

8           Q     And did Judge Sloop respond when you pointed  
9 that out thanking you for the information and saying he  
10 still wanted them arrested?

11           A     Or words to those effect, yes.

12 Q Tell me the best you remember what Judge Sloop  
13 said.

14 A I don't remember the entire exact conversation.  
15 I remember the rough generalities of it. I can't say, I  
16 mean, without, I don't even know if I put it in my  
17 statement that I wrote for my sergeant. I'd have to go  
18 back and look at it.

19 Q Is the rough generalities though that it wasn't  
20 his problem. They were in the wrong courtroom and that  
21 he still wanted them arrested?

22 A Yes.

23 Q What was the judge's demeanor when he made  
24 these comments to you?

25 A The same as I've always seen him. I didn't

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1 notice -- a distinct calm.

2 Q You didn't --

3 A He was eating popcorn.

4 Q You didn't notice him acting any differently on  
5 that day than you'd ever noticed him acting before, did  
6 you?

7 A No.

8 Q Okay. You didn't see him visibly upset or  
9 anxious?

10 A No.

11 Q Is it fair to say he was calm and matter of  
12 fact?

13 A Yes.

14 Q And deliberate in his speaking?

15 A Yeah, I would say so.

16 Q Did Deputy Csisko overhear this conversation  
17 between you and the judge?

18 A I can't say for a hundred percent because I  
19 wasn't paying attention to her.

20 Q Was she standing there?

21 A She was standing, I believe, to my side, maybe  
22 like a step behind me within a couple feet. And the  
23 hallway is not that big. I don't see that she could not  
24 have, but I'm not going to sit here and put words in her  
25 mouth and saying she was paying attention to what I was

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1 saying. I couldn't see her.

2 Q Let me say it another way. Approximately how  
3 many feet away from you was Deputy Csisko standing?

4 A At the most, two to three feet to my left, and  
5 maybe one to two feet behind.

6 Q And was she there the entire time that this  
7 exchange took place?

8 A Yes.

9 Q After your exchange with Judge Sloop, what did  
10 you do?

11 A I returned back into Courtroom 1B to assist  
12 Judge Eriksson.

13 Q When you left that hallway, that staff  
14 corridor, was Judge Sloop still sitting at the table  
15 signing arrest warrants?

16 A Sitting would be an inappropriate --

17 Q I'm sorry. Kneeling?

18 A kneeling would be correct. Yes, he was.

19 Q So he didn't stop when he received the  
20 information from you?

21 A I believe he stopped while we were having our  
22 conversation, but he continued to sign as I was walking  
23 away, yes.

24 Q It would be fair to say that he stopped what he  
25 was doing to communicate with you, but when you stopped

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1 communicating, he went back to doing what he was doing?

2 A Correct.

3 Q And during this entire time period he was  
4 eating popcorn?

5 A He had a --

6 Q A bag of popcorn?

7 A -- bag of popcorn either on the table or right  
8 next to him on the ground.

9 Q Okay. When you went back into Judge Eriksson's  
10 courtroom, was court done for the day?

11 A No.

12 Q Let me rephrase it. After this exchange with  
13 Judge Sloop --

14 A Can we take a break?

15 MS. ROSS: Absolutely.

16 (Whereupon, a discussion was had off the  
17 record.)

18 BY MS. ROSS:

19 Q When you went back into the courtroom --  
20 strike that. After you left Judge Sloop in the

21 corridor, how long did you spend in Judge Eriksson's  
22 courtroom?

23 A Less than ten minutes. When I walked back in  
24 they were finishing their last hearing.

25 Q Approximately how much time went by?

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1 A A rough guess, maybe ten, fifteen minutes.

2 Q After court was over, did you tell Judge  
3 Eriksson what had just occurred?

4 A I don't know if it was immediately after or if  
5 I rode up the judges' elevator back to chambers with him  
6 and told him, but it was very shortly after, if  
7 anything.

8 Q What was Judge Eriksson's response?

9 A It was along the lines of, he was going to go  
10 talk to Judge Sloop and let him know.

11 Q Well, it's always hard talking about your own  
12 judge, okay?

13 A Uh-huh.

14 Q Judge Eriksson was upset, wasn't he?

15 A I don't know if I, I don't know if upset would  
16 necessarily be the right word. Irritated or agitated  
17 probably a little. He was not happy with the situation.  
18 But I don't know if I'd necessarily word it as upset.

19 Q Okay. Agitated, irritated, whatever it was,  
20 did he vent?

21 A I don't know if he necessarily vented with me.  
22 About that time we were either getting back in chambers  
23 or we were already in chambers and I know he went over

24 to speak with Judge Herr at some point.

25 Q Okay. How did you know that he was agitated,

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1 because you worked with him for some time?

2 A You could just tell by his reaction. I don't  
3 know if that has any verbal cues, you know, talking  
4 about it, but you could just tell, you know, kind of the  
5 shaking of the head, was almost like this is ridiculous.  
6 What is he doing.

7 Q Now, he didn't say that --

8 A He didn't say that, but that was kind of the  
9 demeanor that he was portraying that I perceived.

10 Q And as soon as he got off the elevator, did he  
11 go to talk to Judge Herr?

12 A Judge Herr and Judge Eriksson share a suite for  
13 chambers, so I don't know if he went into his office  
14 first or went straight to Judge Herr's office within the  
15 same suite, but they share the same --

16 Q Did you overhear any of that conversation?

17 A No. I went back downstairs.

18 Q Okay. So would it be fair to say you left the  
19 two judges talking together, you don't know what they  
20 talked about?

21 A I left as Judge Eriksson was entering the  
22 suite. I never went into it to see if they actually  
23 started talking.

24 Q Did you see the two of them together?

25 A Right at that point, no. I did a little bit

1 later.

2 Q Okay. And when was that?

3 A I had gone back downstairs to see what was  
4 happening with the people in 1A, because we basically  
5 just asked them to have a seat. We're figuring out  
6 what's going on. We were trying to get more deputies  
7 together because there were so many of them in the  
8 courtroom that we wanted to have extra people there in  
9 case they got stupid. Sorry.

10 Q Okay. Well, let's go back a second now. You  
11 said we wanted to get more deputies together, who is in  
12 charge of getting the more deputies together?

13 A At this point we had told the corporals,  
14 Corporal Blair -- hold on a second. Was it Corporal  
15 Blair? I know one of the people was Sergeant Sweeney,  
16 one of the people was Corporal Young and --

17 Q And one may be Blair?

18 A I specifically remember talking to Deanna  
19 Young. I don't know if Billy was there or not, but I  
20 believe he was.

21 Q And who are you including in the term we?

22 A Myself, Deputy Csisko, I believe Deputy  
23 Cannaday was there at that point. There might have been  
24 one or two other deputies.

25 Q Now, how did you end up back together? Take me



1 from where you are getting off the elevator with your  
2 judge, Judge Eriksson.

3 A On the fourth floor?

4 Q On the fourth floor to how you got back in the  
5 courtroom and started alerting other people?

6 A I believe Deputy Csisko -- okay. I believe at  
7 this point Deputy Csisko had already started alerting  
8 the supervisors that we could possibly be having a mass  
9 arrest as we put it. But at that point I told Judge  
10 Eriksson I'm going back downstairs to see what's going  
11 on, so he walked off the elevator, I hit the one button  
12 and just brought it straight back down.

13 Q So you decided to got back to the courtroom to  
14 find out what's going on?

15 A Correct.

16 Q Had somebody already alerted a call for backup?

17 A I guess you could put it that way. I think  
18 they had notified Sergeant Sweeney and Corporal Blair,  
19 if he was there, that we're going to need some more  
20 people.

21 Q When you reentered -- strike that. You did  
22 reenter Courtroom 1A, did you not?

23 A Yes.

24 Q When you reentered Courtroom A, what was going  
25 on?

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1 A At that point I believe the deputy clerks were  
2 finishing up the warrants, they had already been signed,

3 but the clerks were putting the final information,  
4 filling them in so we could serve them.  
5 Q Who were the deputy clerks?  
6 A I believe one of them was Debbie Christian.  
7 I don't know who the -- there were two or three of them.  
8 I don't remember who all they were. But Debbie was the  
9 clerk traditionally assigned to Judge Sloop, so I'm  
10 pretty sure she would have been in there.  
11 Q Anybody else?  
12 A I don't remember offhand who it was.  
13 Q So at this point the arrest warrants had been  
14 signed, but there still needed to be some work done by  
15 the deputy clerks and they were filling it in as best  
16 you could tell?  
17 A Correct.  
18 Q I've got -- strike that. Each of the  
19 courtrooms, as I understand it, has a videotaping system  
20 in county court.  
21 A Each of the courtrooms in the entire building,  
22 county and circuit, have two video recording systems  
23 going simultaneously. One of them is on twenty-four  
24 hours a day, which is the sheriff's office system. The  
25 other one is only on when court is physically in

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1 session, and that would be the Clerk of the Court's  
2 system which also has audio.  
3 Q So the sheriff's department twenty-four hour  
4 recording system has no audio?  
5 A Correct.

6 Q It's just a video system?

7 A It's used for deputies sitting in the control  
8 room to have video surveillance of whatever is going on  
9 in a courtroom at any time.

10 Q And the clerk's system is -- strike that.  
11 who operates the sheriff's recording system?

12 A who does the physical controlling of the  
13 cameras?

14 Q Strike that. Is it a normal video, are both of  
15 these normal video recording systems that are mounted in  
16 the courtroom?

17 A Yes.

18 Q Is there a central control room for the  
19 sheriff's department?

20 A Yes.

21 Q Is there any way to manually shut off the  
22 sheriff's department video system?

23 A I'm sure there is, but I don't know about it.

24 Q Okay.

25 A There's a control room -- there's four cameras

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1 in a courtroom.

2 Q Okay.

3 A Two of them belong to the sheriff's office.  
4 They're both recessed in the walls. One is above the  
5 bench looking at the audience, one is above the audience  
6 looking at the bench.

7 There's a third one above the -- I'm sorry, a  
8 second camera above the audience looking towards the

9 bench which is what the Clerk of the Court uses.  
10 There's a second spot for a camera above the judge.  
11 Some courtrooms have them full, some of them don't which  
12 is also available for use by the Clerk. So there's two  
13 on each end of the courtroom. One for the Clerk, one  
14 for the Sheriff on each end.

15 Q Okay.

16 A The sheriff's office ones, in our control  
17 courtroom can be manipulated. We have the zoom  
18 features. We can pan them left and right. We can  
19 change the Sheriff's ones.

20 Q Okay.

21 A I'm not sure about the Clerk's.

22 Q When you talk about changing the Sheriff's  
23 ones, though, you're talking about zooming in and being  
24 able to isolate images?

25 A Correct. We can pan left and right, we can

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1 zoom in and out.

2 Q Do you know how long the tapes are kept for the  
3 sheriff's office?

4 A Not specifically.

5 Q Who would have that information?

6 A My guess would be Sergeant Brown.

7 Q Now, as to the Clerk's set of cameras, is there  
8 an on/off switch in the courtroom itself?

9 A Yes.

10 Q And who operates the on/off switch?

11 A That would be the deputy clerk assigned to that

12 courtroom that particular day.

13 Q In your courtroom where you're assigned  
14 generally, is the camera kept on full time?

15 A When court is in session, the camera is on.  
16 That's not to say that Judge Eriksson doesn't, if we're  
17 having a recess, but he's still sitting at the bench,  
18 he'll tell them to turn it off, but there's no court in  
19 session at that time.

20 Q But as long as court is in session, have you  
21 ever known Judge Eriksson to direct the cameras to be  
22 turned off?

23 A No.

24 Q During the time period that you assisted with  
25 other judges, have you ever known them to direct the

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1 court to turn, the clerk to turn the cameras off while  
2 court is in session?

3 A No.

4 Q On December 3rd, 2004, do you know whether the  
5 cameras were on or off?

6 A To the best of my knowledge, they were on.  
7 I've never heard any judge in this county or any other  
8 county direct that the cameras be turned off.

9 Q Okay. And have you ever gone to the sheriff's  
10 office to ask for copies of the tapes for December 2nd  
11 or December 3rd, 2004?

12 A Not for those specific days. I have gone in  
13 and requested copies of videos both prior to those dates  
14 and since those dates.

15 Q Have you ever been told the tapes were  
16 unavailable because they have been erased?

17 A No.

18 Q So every time you have looked for tapes from a  
19 particular day the sheriff's department has been able to  
20 produce them?

21 A Yes. Now, I typically ask for them either the  
22 same day or the next couple days, but I've never been  
23 told that they're not available.

24 Q But I just want to make sure that we understand  
25 that the time periods you were requesting tapes were

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1 close in time to events?

2 A Correct.

3 Q You never went back and asked for tapes like  
4 four or five months later to see whether tapes of a  
5 particular event matched your recollection?

6 A The only thing that I can say I've done  
7 remotely close to that is I've asked for a copy of the  
8 tape, and when they do that, they save the section that  
9 I've specifically requested on -- I mean, they save it  
10 separately from that system and I've gone back and asked  
11 for a second copy of it, but it was because it was saved  
12 right there on the computer, it's not that it was  
13 re-downloaded so to say.

14 Q So if I get it correctly, they would save a  
15 tape that you had requested when it was close in time,  
16 but you've never gone back five or six months later for  
17 something new so you don't know whether tapes are

18 available one month, two months, three months after the  
19 fact?

20 A I have no knowledge of that.

21 Q Okay. And on December 2nd, have you ever  
22 requested the Clerk's office to provide copies of their  
23 tapes from December 2nd or December 3rd, 2004?

24 A No, I've never requested it.

25 Q During the time period you've served in

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1 Judge -- strike that. During the time period that  
2 you've worked for Judge Eriksson, have you ever known  
3 him to issue bench warrants for people's arrests  
4 immediately when they didn't show up for court?

5 A Can you clarify what you mean by immediately?

6 Q Yeah. Strike that. While the calendar is  
7 being called, if somebody doesn't respond or if their  
8 name, if they're not in court when their name is called,  
9 does Judge Eriksson, as a matter of course, issue a  
10 bench warrant for their arrest?

11 A If I'm following your question correctly, no.  
12 What Judge Eriksson does is he will, depending on what  
13 the cases are, if there's a private attorney present, he  
14 handles all cases that the private attorneys have. If  
15 the public defenders are present, he will then handle  
16 public defender cases. If there's just people sitting  
17 in the audience, he will literally just point them out,  
18 do you have a case, yes or no. If you do, step up.  
19 They handle the case.

20 when everybody in the courtroom has been

21 addressed, he will then go down the docket for people  
22 that, I guess, for lack of a better word, they're not  
23 there. And then at that point he'll start reading the  
24 files, okay, they were noticed properly, they signed  
25 minutes or whatever, issue the bench warrant. But it's

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1 at the end of the day. It's not, he doesn't just call  
2 the docket straight down, if I'm understanding you  
3 right.

4 Q I'm just trying to understand the reason why  
5 Judge Eriksson -- strike that. Judge Eriksson's policy  
6 then would be to call people who are represented by  
7 lawyers, people who are present in the courtroom, and  
8 then see who's left over?

9 A I don't know if I'd say policy, but that's  
10 typically the way he does it, yes.

11 Q Okay. And then in terms of who's left over, if  
12 those people, he would go through each of their files to  
13 check on the notice, check on the files themselves  
14 before issuing the bench warrant?

15 A Yes. Because you'll typically hear him say,  
16 this person was given one date by the arresting officer,  
17 but then was sent notice by the Clerk's office for a  
18 different date. Re-notice them because it was confusing  
19 information.

20 Q Okay. So he would check the information first  
21 before automatically issuing a bench warrant?

22 A Uh-huh. Yes.

23 Q I've been able to get some still photos,



24 they're not good, from the December 3rd, '04 tape,  
25 Clerk's tape, but it basically showed arrests being

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1 carried out between eleven twenty-eight in the morning  
2 through approximately eleven thirty-six in the morning.

3 A Okay.

4 Q Is that approximately the time frame that you  
5 were recollecting you were in that courtroom?

6 A That sounds about right.

7 Q They won't help you. Happy to give it to you.

8 MR. LUBET: Lovely.

9 MS. ROSS: The tapes are better. The tapes are  
10 better. This is just the program I've got that at  
11 the moment can only freeze frame.

12 MR. HARTMAN: They're not that much better.

13 MS. ROSS: I've seen the tapes. They're a  
14 little better.

15 MR. LUBET: Even with the technology that they  
16 have today, they could get real sharp photos.

17 MS. ROSS: But the videos are better than the  
18 stills, but I'm just using it right now for a time  
19 frame reference.

20 BY MS. ROSS:

21 Q Does this time frame sound about right for when  
22 the people were basically rounded up, arrested and taken  
23 away?

24 A Yes. I mean, they had been sitting in the  
25 courtroom for quite a while prior to that point. Again,

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1 I'm using a rough time.

2 Q Of course.

3 A But that sounds about correct.

4 Q How many sheriff's personnel ended up in that  
5 courtroom, in 11A to arrest or carry out this arrest?

6 MR. LUBET: 1A.

7 A You mean 1A?

8 Q 1A. Excuse me.

9 A At eleven-thirty.

10 Q At eleven-thirty. Thank you.

11 Let me restate it. Approximately how many  
12 sheriff's personnel were called to Courtroom 1A to  
13 assist in the mass arrests that took place that day?

14 A Rough guess, probably about ten, twelve.

15 Q And when you referred colloquially earlier to  
16 people getting stupid, you were talking about anybody  
17 doing what?

18 A Any of the persons being arrested deciding they  
19 want to fight with or argue with us as we tried to take  
20 them into custody.

21 Q People were pretty upset, were they not?

22 A That's a nice way to put it.

23 Q Well, you tell me what was going on in that  
24 courtroom that warranted ten to twelve sheriff's  
25 personnel coming down to prevent everybody from getting

1 stupid.

2 A Well, one, when you have that many people in an  
3 area and you're going to be arresting that many people,  
4 you don't want to have one deputy down there by  
5 themselves. So for one that's why we had extra people.  
6 That's the main reason we had them is because there  
7 were -- I mean, that I knew of there were at least ten  
8 arrest warrants being signed, possibly more, so not only  
9 did you have those ten plus people that are being  
10 arrested, you also have family members in there. And  
11 sometimes family members can be worse than the actual  
12 person being arrested. So it was just an officers'  
13 safety why we had that many people.

14 Q Okay. Tell me what the response was of the  
15 people in the courtroom.

16 A Of the actual people being arrested, initially  
17 it was confusion. How can you arrest me when I was  
18 where you guys, referring to the sheriff's office, told  
19 me to be. Once it kind of sunk in what really was  
20 happening, it went into pure anger. And, I mean, we  
21 actually had to restrain one person. She decided to  
22 fight.

23 Q Do you know which one it was?

24 A Black female. More than that, I couldn't tell  
25 you, but she was loud.

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1 Q Okay.

2 A So, I mean, overall we didn't have that big of  
3 a problem. And a lot of it was family members getting

4 very loud and vocal.

5 Q Okay. There was one girl who was a minor?

6 A Correct.

7 Q Were you there when she was arrested?

8 A She was technically never arrested.

9 Q She was placed in handcuffs, wasn't she?

10 A Just because you're in handcuffs, you're not

11 arrested.

12 Q Okay. Then you take me through what happened

13 with the minor.

14 A Initially we had the warrant, we called her

15 name, we placed handcuffs on her. We began to look at

16 the warrant and her age, I guess one of the deputies

17 noticed that she was a juvenile. They also began to

18 look at her ticket itself. The charge that was on the

19 uniform traffic citation was not a charge that you could

20 put on a uniform traffic citation.

21 MR. LUBET: Is that the failure to obey a

22 police officer?

23 MR. HARTMAN: I believe it was a eight hundred

24 series statute number. I don't remember the exact

25 statute number. But you can only put a 322 or 316

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1 on a UTC.

2 BY MS. ROSS:

3 Q You had a wrong charge, you had somebody who

4 was under age?

5 A Her mother, if I remember correctly, was in a

6 federal customs uniform.

7 Q For Homeland Security?

8 A No. I believe it was the actual customs and  
9 immigration. I think they fall under there now.

10 So with her mother being law enforcement we  
11 made the decision at that time to release her to her  
12 mother's custody.

13 Q Now, did you make that decision --

14 A No.

15 Q -- or did Judge Sloop make the decision?

16 A I don't think Judge Sloop was ever consulted  
17 about that. I believe members of the sheriff's office  
18 made the command decision.

19 Q Okay.

20 A And I don't remember who in that room decided,  
21 but it was a collective decision between a bunch of  
22 them.

23 Q So it was a command decision from the sheriff's  
24 office as best you recall?

25 A Those of us in that courtroom at that exact

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1 time, yes.

2 Q As to the minor that you had an arrest warrant  
3 from Judge Sloop for her?

4 A Yes.

5 Q And it indicated the wrong charge and the fact  
6 she was under age?

7 A I don't know if wrong charge is the right word.  
8 It's a legal charge, just not the way that it was  
9 handled, I guess is the best way to put it. You

10 couldn't put that on a traffic ticket, therefore, it had  
11 to have been either like a regular notice to appear, it  
12 couldn't have been like --

13 Q It couldn't have been written as a traffic  
14 citation, it had to be written as a notice to appear in  
15 court?

16 A Correct.

17 Q Okay.

18 A Now, that's the way it was explained to me.

19 Q And who explained that to you?

20 A Sergeants, corporals, other deputies. I don't  
21 remember who exactly.

22 Q Once the mass arrest was carried out, tell me  
23 what ordinarily happens to the people arrested in the  
24 ordinary course of things?

25 A Are you saying, you're wanting to know if when

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1 we arrest somebody in the courtroom --

2 Q Right.

3 A -- what's the procedure after that?

4 Q Exactly.

5 A Okay. In each courtroom there's a door roughly  
6 in this area right here, that I'm going to label  
7 vestibule.

8 Q Okay.

9 A What happens is you go through that door, you  
10 enter a secure part of the facility. It's basically a  
11 jail once you walk through that door. There are three  
12 holding cells in here and an elevator that's secured,

13 has a cage in the back that separates an inmate from an  
14 officer. And they're taken downstairs to the basement  
15 where we basically have a jail underneath the  
16 courthouse. Once there, they're taken into what's  
17 called the RBC room.

18 Q RBC room standing for?

19 A Remand by court.

20 Q Okay.

21 A When they're in there all personal property is  
22 taken from them, i.e., jewelry, wallets, purses if they  
23 have them. We do some paperwork and then they're placed  
24 in a holding cell.

25 At some point during the day they're then

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1 transported to the jail itself and booked in.

2 Q When are they fingerprinted?

3 A At the jail. And the only time we fingerprint  
4 would be in open court and then only on certain  
5 charges.

6 Q Okay.

7 A If adjudication and ordered by the judge.

8 Q Is there any other processing you did, you do  
9 as part of a remand by court?

10 A No. Once they're taken down, we remove their  
11 property, pat them down make sure they don't have  
12 anything else on them. They go into a holding cell to  
13 wait for the jail transportation.

14 Q When they're placed in a holding cell, are they  
15 placed in a holding cell with all other people who have

16 been arrested that day?

17 A Depending on how many people got arrested,  
18 yeah. I mean --

19 Q Is there any other place to put the people  
20 arrested from the morning session other than the holding  
21 cell?

22 A No.

23 Q So with respect to the people who were arrested  
24 on December 3rd in Judge Sloop's courtroom in part of  
25 that mass arrest, there was no differentiation between

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1 them and other people who were already in jail on other  
2 charges?

3 A Correct. Well --

4 Q Already in the holding cell on other charges?

5 A If they were a person that had been remanded,  
6 had walked in off the street to go to court that day and  
7 then ordered to take into custody, no, there would have  
8 been no difference. If it was a person transported from  
9 the jail brought up to court and then put back in the  
10 cells, yes, there's a difference. They're kept  
11 separated.

12 Q Now, approximately when are the people in  
13 holding cells transported over to the jail?

14 A It varies. One, depending on how many we get  
15 during the day we might make an extra run. Typically  
16 there's three runs made per day. The first run at about  
17 eight o'clock in the morning is bringing inmates over to  
18 us.



19                   There's a second run done at ten-thirty, eleven  
20 o'clock. They bring us more inmates. At that point we  
21 also will, if we have people that have been taken into  
22 custody or inmates that are finished, we'll turn them  
23 back so they can go back to the jail.

24                   And then usually about four-thirty, five  
25 o'clock is the third run, and that's when, unless we

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1           have a court going with an inmate, all of them leave.

2           Q     Do you know whether the people who were placed  
3 in the holding cell who were arrested in Judge Sloop's  
4 courtroom on December 3rd were actually transported over  
5 to the jail?

6           A     I believe they were, but I can't say a hundred  
7 percent.

8           Q     You didn't participate in any way in that  
9 transport?

10          A     Once they left the courtroom down into this  
11 holding cell area, I had no more contact with them.

12          Q     Okay. After the mass arrest in which you  
13 participated, did you hear any further conversation from  
14 Judge Sloop or any of the other judges or courthouse  
15 personnel as to what had just happened that morning?

16          A     As to actual conversations that I could recall  
17 specific, I mean, exactly what they had said, no. But  
18 there was conversation all over that building.

19          Q     It spread like wildfire; is that fair to say?

20          A     Yeah. Yeah. I do remember once that was  
21 finished I went back up to chambers and I know a couple

22 of the judges were talking about it. I know Judge Herr  
23 and Judge Eriksson were, I know Judge Marblestone was in  
24 and out that day. He's usually in there talking all the  
25 time. But, again, I don't think I could tell you

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1 specific conversations.

2 Q Just general conversations about the incident?

3 A Yeah.

4 MS. ROSS: Okay. I have no further questions.

5 MR. LUBET: You covered just about everything.

6 MS. ROSS: No.

7 MR. HARTMAN: Can we take a bathroom break?

8 MS. ROSS: Absolutely.

9 (Whereupon, a recess was had.)

10 CROSS-EXAMINATION

11 BY MS. ROSS:

12 Q Deputy, I just have a few questions for you.

13 First of all, deputy, it's not unusual, is it, for  
14 judges to issue arrest warrants at arraignments when  
15 people don't show up?

16 A No, sir. Not unusual at all.

17 Q It happens every day?

18 A Most, if not every, yes, sir.

19 Q And, secondly, it's certainly not unusual -- or  
20 well, it's not unusual for a number of people, I know  
21 it's not of the same amount every day, but on any given  
22 day at arraignments there are a number of people that  
23 don't show up; isn't that true?

24 A Yes.

25 Q I mean, have you ever had ten or eleven people

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1 not show up for arraignment?

2 A For a variety of reasons, yes.

3 Q Okay.

4 A But, yes.

5 Q And if they don't show up generally the judges  
6 will issue arrest warrants for them, correct?

7 A Unless they're represented by a private  
8 attorney and have entered a notice of appearance.

9 Q Waived the arraignment?

10 A Correct.

11 Q Okay. In this particular case on the day in  
12 question, none of these people had a private attorney,  
13 did they?

14 A Not that I'm aware of.

15 Q Okay. And none of them that you're aware of  
16 had waived their arraignment?

17 A Again, not that I'm aware of.

18 Q Okay. So as a general practice, and I'm not  
19 trying to trick you or anything, just going through --  
20 I've been doing this thirty-one years, you've been doing  
21 it awhile, as a general practice when defendants -- an  
22 arraignment is a mandatory time that they have to be  
23 there unless they've waived it, correct?

24 A To the best of my knowledge, yes.

25 Q Okay. And at arraignment that's where people

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1       plead guilty or not guilty, they hear the charge and  
2       they plead guilty or not guilty and get a court date and  
3       a pretrial and a trial date, correct?

4           A     Correct.

5           Q     Isn't that basically what happens at  
6       arraignments?

7           A     More or less, yes, sir.

8           Q     All right. And so when people don't show up  
9       for those arraignments, and there's no excuse that's  
10      before the bench at the time, judges will issue arrest  
11      warrants for them, correct?

12          A     Correct.

13          Q     Okay. Now, on this particular day to your  
14      knowledge, all of the people who were in 1B but should  
15      have been in 1A and got arrested were all there on  
16      criminal charges, correct?

17          A     To the best of my knowledge, yes.

18          Q     I mean, we've seen in the paper and other  
19      places that everybody's saying these are traffic  
20      charges, but these are more than just traffic charges,  
21      these are not non-criminal infractions under 316,  
22      correct? These are criminal offenses that these people  
23      were charged with?

24          A     They are criminal offenses that were charged on  
25      UTCs.

1 Q Right.

2 A So they are misdemeanors, correct.

3 Q And they're all punishable by jail of one

4 nature or another if you were convicted and if you're

5 found guilty and the court wanted to put you in jail,

6 you could go to jail, each and every one of these

7 people, for the charges they were charged with, correct,

8 except for the juvenile? And maybe even her?

9 A I believe so, but I didn't look at the

10 individual charges so I couldn't specifically -- but to

11 the best of my knowledge, they were all criminal

12 offenses and they could have, yes.

13 Q All right. And you're a law enforcement

14 officer, you know that criminal offenses, I don't know

15 of any criminal offenses that don't carry jail time if

16 the court wished to do that?

17 A Correct.

18 Q Is that correct?

19 A Correct.

20 Q I'm not saying people always go to jail.

21 A Right.

22 Q But certainly these were jailable offenses?

23 A The penalties could have included jail, yes.

24 Q On each and every one of these people?

25 A To the best of my knowledge. I didn't look at

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1 all the charges.

2 Q How did you find Judge Sloop's demeanor that

3 day? Tell me if you would, what you saw, how was he

4 reacting?

5 A Like he usually does, calm, collected, very  
6 personable. I can't say that this conversation, other  
7 than the actual content of it, stood out any different  
8 than when I've talked to him back in chambers over a cup  
9 of coffee.

10 Q Okay. You've known Judge Sloop for quite some  
11 time?

12 A Just under three years.

13 Q And you've been in his courtroom before that,  
14 right?

15 A Oh, yes, sir.

16 Q How do you find him in court? Generally  
17 polite?

18 A Yes.

19 Q Treats defendants generally -- I'm not saying  
20 he doesn't put them in jail, but generally treats them  
21 in a polite manner?

22 A I believe so, yes.

23 Q And he has a reputation, doesn't he, of being  
24 a, he's a harsh judge at times on certain offenses,  
25 correct? And the reason --

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1 A I'm sorry I'm laughing because that really  
2 would have to depend on what you feel to be harsh.

3 Q Okay.

4 A Do I personally feel he's harsh? No. I wish  
5 we had some more judges that were like him.

6 Q So you certainly don't have any animosity

7           towards Judge Sloop?

8           A     Not at all. Not at all.

9           Q     And when I said harsh judge, I'm talking about  
10          when the circumstances warranted it, I'm certainly not  
11          saying that he just goes around punishing people, you  
12          understand that?

13          A     No. I understand that a hundred percent.

14          Q     Okay. All right. You feel, from what you just  
15          said, you feel that we should have more judges who are  
16          strict in the sense that Judge Sloop is in criminal  
17          cases on punishment or on the way he deals with criminal  
18          cases?

19          A     That is my personal opinion, yes.

20          Q     Okay. In your time with him, have you ever  
21          seen Judge Sloop incarcerate anyone else that, and you  
22          being a law enforcement officer, I know you have your  
23          own opinion, that you felt should not have been  
24          incarcerated?

25          A     Not that I can recall.

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1           Q     Now, have you ever worked in front of  
2          Marblestone, Herr or Bravo?

3           A     I have been assigned to Judge Marblestone.  
4          Judges Bravo and Herr I have assisted, but I've never  
5          been the primary deputy in the courtroom.

6           Q     Okay. Have you seen Judge Marblestone, Herr or  
7          Bravo also issue warrants at arraignments for persons  
8          who didn't show up?

9           A     Marblestone, yes. I can't say that I've ever

10 worked arraignments with Bravo or Herr.

11 Q Okay. Let me ask you this. Do you know  
12 anything about Judge Sloop's community service that he  
13 does?

14 A I know he does a lot with the Boy Scouts. As  
15 to specifics or other than that, no, I do not.

16 Q Have you ever heard anything about him with  
17 Habitat for Humanity or building houses or any of those  
18 things?

19 A I know he's done a lot, but I can't say that  
20 I've ever heard specifics, no.

21 Q Have you ever heard that he's very active in  
22 doing community work?

23 A Yes, I have heard that.

24 Q Does he run his courtroom in an orderly  
25 fashion?

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1 A I believe so.

2 Q Do you think, do you believe that he is, based  
3 upon your experience, a fair judge?

4 A Yes.

5 Q What was your basic reaction after you spoke to  
6 Judge Sloop in the hallway and told him that the people  
7 were back there, were in the courtroom and you heard him  
8 say I want these warrants issued, were you a little  
9 surprised?

10 A Not really.

11 Q Why?

12 A First off, because I kind of agree with what he



13 said when it was their, it's their job to make sure  
14 they're in the right place at the right time. And my  
15 thinking would be if we're going through an entire civil  
16 traffic docket and you're not seeing anything remotely  
17 close to what you have on your ticket, that would make  
18 me have a belief that I'm in the wrong place.

19 And there's easily thirty plus law enforcement  
20 officers in a civil traffic hearing, plus the courtroom  
21 deputy, and the deputies assigned to the courthouse out  
22 front. If I'm noticing that they're not calling  
23 anything close to my type of case, I would start asking  
24 someone questions about, you know, where they were. So  
25 was I surprised, no.

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1 Q Okay. What I'm gaining from listening to you  
2 is that you think that the people got arrested have some  
3 responsibility here?

4 A Oh, definitely. We can't have the  
5 responsibility to baby sit everybody. I don't have the  
6 time or desire to do so.

7 Q Now, have you been in Judge Sloop's courtroom  
8 on times when there was somebody you felt should go to  
9 jail and Judge Sloop didn't put them in jail?

10 A I've been in all of the judges' courtrooms on  
11 that instance.

12 Q When you felt the person should be  
13 incarcerated?

14 A Judge Eriksson does it to me every day, so --

15 Q All right. Did Judge Sloop, did he usually

16 stay around the courthouse for lunch or do you know if  
17 he had other things he usually would do, do you recall?

18 A I want to say it was about fifty/fifty. You  
19 could usually tell he was around because you smelled  
20 popcorn cooking.

21 Q He had popcorn for lunch?

22 A He loves popcorn, so, I mean, you could smell  
23 it. I mean, if he was there, he'd be eating while he's  
24 doing paperwork because I'd see him in his office. But  
25 I know there were times he was there, what he was doing,

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1 I couldn't tell you.

2 Q Did Judge Sloop seem to be a busy man? A busy  
3 judge?

4 A In the fact that I never just saw him really  
5 sitting around doing absolutely nothing, no.

6 Q No. I mean, in the fact that he's not a judge  
7 who just sits around and does nothing, correct?

8 A Correct. He's always doing something.

9 Q Don't find him sitting around just shootin' the  
10 bull a lot?

11 A Every now and then he'll come back and sit with  
12 the deputies in the break room and, you know, have a cup  
13 of coffee and talk with us, but it was never more than  
14 five, ten minutes at the most.

15 Q You talk to the other deputies a lot and I'm  
16 sure you all talk about judges.

17 A Oh, quite frequently.

18 Q I have no doubt about that. What is the

19 general consensus among the deputies with Judge Sloop  
20 and his judging and his sentencing and the way he  
21 handles his courtroom?

22 A Quite frankly, we wish there were more judges  
23 that were like him. We're not saying we want everybody  
24 thrown in jail, and I'm not saying that Judge Sloop does  
25 that, but he seems to take the attitude of, if this is

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1 what it's going to take to get your attention and for  
2 you to stop breaking the law, I don't have a problem  
3 doing it. We like that.

4 Q All right. Have you seen any of the judges,  
5 and the reason I ask this is because I was told several  
6 of the judges do this, but I want to hear from you.  
7 Have you seen any of the judges at arraignment issue  
8 warrants right after a person's name is called? Or have  
9 you been to arraignments of these other judges?

10 A I have seen them just call the docket. I can't  
11 say, or I don't know if they have issued warrants right  
12 then and there. I don't know.

13 Q Okay. Let me ask you this. Once someone is  
14 arrested and processed over at the jail, which is just  
15 across the street, correct?

16 A Correct.

17 Q Basically. It's not even across the street --

18 A It's on the same side.

19 Q -- it's behind the courthouse?

20 A Right.

21 Q Once that's been done, and an order for release

22 has been signed, do you have any knowledge as to how  
23 long it takes someone to get out of jail? Have you ever  
24 been involved in any of that, or seen any --

25 A When I worked there, which was three and a half

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1 plus years ago.

2 Q Right.

3 A The average time of release was four to six  
4 hours once the jail received the paperwork.

5 Q Okay.

6 A It could be more, it could be less. Depending  
7 on what else they have going on --

8 Q Okay.

9 A -- i.e., people coming in, other people bonding  
10 out, and there's a lot of factors.

11 Q How long does it take to book somebody,  
12 approximately?

13 A Again, depending on how busy you are. We could  
14 usually do it in less than half an hour. A lot of it  
15 really depends on how fast the officer or deputy gets  
16 the paperwork to you.

17 Q So if you had eleven people or ten people to be  
18 booked, it could take five hours?

19 A No. Strike that. Yes, it could. When you  
20 have a situation like that where it's a lot of warrants,  
21 we can go ahead and do certain parts of the booking. I  
22 can take the pictures, I could take their fingerprints,  
23 I could put them in the system, but I don't know if  
24 you'd really consider them officially booked until we

25 have the warrant served which requires a deputy to go

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1 in, first enter the warrant into the system, serve the  
2 warrant, and then cancel the warrant. So there's, I  
3 mean, some steps that you have to take.

4 The actual processing into the facility would  
5 be done very quickly. I'd say an hour, hour and a half.  
6 The complete booking process, yes, could take four to  
7 five hours.

8 Q All right. And in order to book, once someone  
9 is booked in, then you've got the release process which  
10 you say could take four to six hours?

11 A Correct.

12 Q More or less?

13 A Correct.

14 Q And have you seen it take more than six hours  
15 to get somebody released?

16 A Oh, yes.

17 Q Not unusual? Or is it unusual?

18 A I don't know if I'd classify it as either. It  
19 happens almost as much as it doesn't happen. Only in  
20 that it, you know, when you're doing say eleven people  
21 all at once, your process is going to take a little  
22 while.

23 Depending on how soon from the time of arrest,  
24 the time of being brought into the jail, to the time of  
25 actually walking out the front door or beginning the

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1 release process, depends on how much they have to do on  
2 the release.

3 Part of what they're checking is do they have  
4 any active warrants for them when they get brought in.  
5 well, an hour later do I need to run another warrants  
6 check on them. So a lot of it depends on what kind of  
7 time span are you looking at.

8 Q I see. Now, is Judge Eriksson assigned to a  
9 specific courtroom generally?

10 A Yes.

11 Q Which courtroom is he in?

12 A 4D as in dog.

13 Q So he does -- that's up on the fourth floor of  
14 the courthouse?

15 A Correct. I think I need to step back a little  
16 bit.

17 Q Sure.

18 A We're in 4D. Currently on a four-week rotation  
19 that we're on right now, we're in 4D three weeks out of  
20 every four. One weekend we're doing arraignments in 1A.  
21 Prior on the five-week rotation, again, we're three  
22 weeks in there, one week in 1A, one week down here in  
23 the civil courthouse.

24 Q Okay. None of that's been changed?

25 A Correct.

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1 Q You're in the arraignment courthouse for a

2 whole week? Or arraignment courtroom, I'm sorry, for a  
3 whole week at a time?

4 A Yes.

5 Q You do the felony arraignments also?

6 A No, just misdemeanor arraignments. We do  
7 arraignments in the morning, we do first appearances in  
8 the afternoon. Some judges use video, Judge Eriksson  
9 refuses to do video and we go to the jail.

10 Q So you go over to the jail?

11 A Every day.

12 Q And look them right in the face?

13 A You got it.

14 MR. LUBET: You got to go in there. That's a  
15 real fun courtroom.

16 MS. ROSS: I understand.

17 BY MR. LUBET:

18 Q It's up close and personal in that courtroom,  
19 isn't it?

20 A There's a reason I left the jail.

21 Q All right. Now, do you know whether or not  
22 Judge Sloop on the day that we're talking about,  
23 December the --

24 A 3rd.

25 Q -- 3rd, was doing video arraignments, video IAS

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1 or was he doing IAS in person? You know he, I'm  
2 assuming you know he did IAS that way?

3 A I know he did first appearances, yes.

4 MS. ROSS: Are you talking morning or

5           afternoon?

6           MR. LUBET: Afternoon.

7           MS. ROSS: Okay.

8 BY MR. LUBET:

9           Q    I think started at one-thirty, if I'm not  
10       mistaken?

11          A    Typically. Judge Sloop typically did video.  
12       Do I have a specific recollection of which one he did,  
13       no.

14          Q    Okay. What time, those run from like  
15       one-thirty till approximately when? I know it varies  
16       depending upon the number of people.

17          A    Depends on how much the judge sits there and  
18       talks to them. Some of the judges will have  
19       conversations and you're in there forever. Usually  
20       three o'clock. Again, depending how much they talk to  
21       them, how many cases there are. Some judges move faster  
22       than others.

23          Q    Do you find that Judge Sloop moves his docket  
24       fairly fast?

25          A    Yes. Well, I don't know if I'd say fairly

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1       fast. He's thorough, but he doesn't rush them. You  
2       know, he doesn't sit there and talk to them for five  
3       hours, you know. He makes sure he gets what he has to  
4       do, but he moves on and gets it done.

5          Q    Is he courteous to the defendants that you've  
6       seen?

7          A    I believe so.



8 Q Have you been in front of other judges over at  
9 that courthouse who are not? And I'm not going to ask  
10 you who.

11 A I'm not going to say any of our, I don't  
12 believe our current judges. I've seen a couple of  
13 senior judges come in and get a little short with them  
14 sometimes.

15 Q Okay. Did you actually see the documents,  
16 could you tell the actual, what the document was that  
17 Judge Sloop was signing when you went back there and he  
18 was kneeling down?

19 A From my experiences, it appeared to be a bench  
20 warrant. Could I actually, I mean, was I looking over  
21 his shoulder reading them to see exactly what they were,  
22 no. But they had that appearance of that layout.

23 Q Were there any bench warrants issued that day  
24 that you're aware of for people who just didn't show  
25 up?

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1 A I would assume so, but I have no specific  
2 knowledge of it.

3 Q You assume so because generally every day  
4 there's one or two or more people that don't show up?

5 A Correct.

6 Q Let me ask you to look at this ticket.  
7 And let me ask you to look at this when she's  
8 finished looking at it.

9 A Okay.

10 Q Does that appear to be in looking at the

11 birthday, the juvenile that we've talked about -- let me  
12 set this up for you. That is one of the people.

13 MS. ROSS: We can stipulate that that is the  
14 juvenile.

15 A Looking at the date of birth on here, I would  
16 say, yes, it's a juvenile.

17 Q Okay. Look at what she's charged with. I  
18 don't have a statute book in front of me, but --

19 A Failure to obey a lawful command of a police  
20 officer.

21 Q You've stated earlier you didn't believe you  
22 could be charged with that by uniform traffic citation?  
23 I'm not trying to trick you, I'm just trying to find out  
24 what's going on.

25 A In the statute book there are two separate

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1 failure to obey the commands of a law enforcement  
2 officer. One of them falls under the 316 statutes,  
3 which, and I'm not as well versed on them as I used to  
4 be, the other one falls in the 800 series statutes.

5 Q Resisting without?

6 A I believe, but there's actually one, it's  
7 literally failing to follow the lawful command.

8 Q Okay.

9 A So I know there's two of them.

10 Q All right. And this particular one, but she  
11 was charged with a criminal offense on that; is that  
12 correct? I mean, that's how they've got the ticket  
13 marked also, isn't it?

14 A Yes, it is a criminal violation.

15 Q And here is, let me ask you to look at this  
16 notice.

17 MS. ROSS: You want to have that marked?

18 MR. LUBET: Yes. If you would mark that,  
19 please.

20 (Whereupon, Exhibits B and C were marked for  
21 identification.)

22 BY MR. LUBET:

23 Q The notice orders her to appear for a criminal  
24 arraignment; isn't that correct?

25 A It appears to be, yes.

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1 Q Now, if you can answer this, and I don't know  
2 if you can, if you can, in your experience, do judges  
3 when they're going through arraignments and reviewing  
4 the charging documents at the arraignment, do they as a  
5 general rule from your experience look at the birth  
6 dates to determine whether somebody's a juvenile or  
7 not, or look at those type of things on the tickets?

8 A I would say, yes, that they look; however, I  
9 believe it's an administrative order in the county that  
10 all traffic-related incidents even if it's a juvenile  
11 still come before the county court.

12 Q Okay.

13 A So it's not uncommon to see a juvenile in  
14 arraignments.

15 Q So it's not uncommon to see a juvenile in  
16 criminal traffic court?

17 A Correct.

18 MS. ROSS: I have five minutes worth, but if  
19 you want to call your supervisor and let them  
20 know.

21 (Whereupon, a discussion was had off record.)

22 REDIRECT EXAMINATION

23 BY MS. ROSS:

24 Q Okay. A couple of things. Let's go back to  
25 your conversation with Judge Sloop. You were asked

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1 whether it was common, whether it was uncommon for  
2 judges to issue arrest warrants where people didn't show  
3 up where there was no excuse.

4 A Okay.

5 Q In this particular instance, you told Judge  
6 Sloop that the people were in Judge Eriksson's courtroom  
7 during this time period, correct?

8 A Correct. I did inform him of that.

9 Q And that was an excuse, a legitimate excuse  
10 that they were sitting in the courtroom right next door,  
11 correct?

12 A Correct.

13 Q So you told Judge Sloop about this and his  
14 reaction was that it wasn't his problem?

15 A Correct.

16 Q Now, regardless of what documents he was  
17 actually signing at the time, he didn't do anything to  
18 rescind arrest warrants, assuming he had already signed  
19 those at that time, correct?

20 A Not that he indicated to me, no.

21 Q Well, you know that he didn't because the  
22 arrests took place?

23 A Correct.

24 MR. LUBET: Let me object just to the effect  
25 that at that particular time --

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1 MS. ROSS: That's all I was talking about, and  
2 let me make it very, very clear.

3 MR. LUBET: Okay.

4 BY MS. ROSS:

5 Q Okay. Assuming for a second that Judge Sloop  
6 wasn't actually in the process of signing arrest  
7 warrants for those particular people at that moment, he  
8 didn't do anything at that moment to order the arrest  
9 warrants, already signed if he'd signed them,  
10 rescinded?

11 A He made no indication to me. Again, I didn't  
12 know, like you said, if those were the ones he was  
13 signing were for the people in 1A, whether he had  
14 already signed them, you know, previously, whether he  
15 was going to sign them in a few minutes. I didn't know  
16 what he was signing. He made no indication to me at  
17 that moment that anything was changing.

18 Q And what he did tell you was he still wanted  
19 them arrested, correct?

20 A Correct.

21 Q Now, you don't know whether the people who are  
22 actually in Courtroom 1A that day, excuse me, actually

23 in 1B who were supposed to be in 1A had been directed to  
24 that courtroom by other sheriff's deputies that morning?  
25 A Only in what they specifically told me.

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1 Q Okay. And you did not direct people to the  
2 wrong courtroom?  
3 A I hope I didn't.  
4 Q Have other officers indicated to you that they  
5 may have misdirected some people that morning?  
6 A I've not had any specific conversations that  
7 have said that. I do know that what happens a lot of  
8 times we see, you know, the yellow copy of a traffic  
9 ticket, you know, a million times a week. On Fridays  
10 we get them more than any other day because we have  
11 two traffic courts, quote unquote, going. A lot of  
12 times they will say, I'm here for a traffic ticket,  
13 not thinking it's a criminal charge, and we'll just  
14 send them, go to 1B, you know, for the traffic  
15 hearings.  
16 Q And the problem arises because you've got two  
17 separate courtrooms going --  
18 A Correct.  
19 Q -- simultaneously, one being civil and one  
20 being criminal and they're right next door?  
21 A Correct. And a lot of times we're busy and  
22 we don't necessarily have the opportunity to, okay, I  
23 know you have traffic court, what exactly are you  
24 charged with. We don't always have time to get into  
25 that.

1 Q Okay. So when you say that the people have a  
2 right, or have a duty or some responsibility to know  
3 what they're in the courtroom for, they could be equally  
4 as confused as some of the sheriff's deputies who were  
5 directing them to courtrooms that day, correct?

6 A It's possible. I know we've had them come up  
7 and say, can you tell me where Courtroom 1A is, so they  
8 think they know where they need to be, but yet we talk  
9 to them a little more and find out, no, you need a  
10 different courtroom.

11 So, I mean, I lot of times they may just come  
12 up and say, can you tell me where Courtroom 1A is, or  
13 their paperwork will say 1B, and they'll ask for that  
14 courtroom and we just point to it.

15 Q And this incident you actually looked at  
16 paperwork and a lot of the paperwork that you were  
17 looking at misdirected people to the wrong courtroom?

18 A Some of them, correct.

19 Q And they had every right to believe they were  
20 in the right place, because that's what their tickets  
21 and paperwork showed them to be?

22 A Correct.

23 Q Now, let's turn for a second to your opinions  
24 about Judge Sloop, okay, because my understanding is is  
25 you like him very much.

1 A Correct.

2 Q You respect him?

3 A Very much so.

4 Q You think very highly of him?

5 A Yes.

6 Q And you continue to think that he's fit to

7 serve on the bench?

8 A Yes, I do.

9 Q And that's based on your personal experience

10 being in his courtroom?

11 A Yes.

12 Q And seeing him interact with people?

13 A Correct.

14 Q So even though -- strike that.

15 You would agree with me that having people

16 arrested based on the mistake of paperwork is certainly

17 something wrong, would you not?

18 A You could say that.

19 Q Okay. Notwithstanding that, you still believe

20 that Judge Sloop is fit to serve in his position as a

21 judge?

22 A Yes.

23 MS. ROSS: Okay. I have no further questions.

24 MR. LUBET: Thank you. I have nothing

25 further.

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1 MS. ROSS: You read or waive?



2 MR. HARTMAN: Read. I read everything.  
3 (Whereupon, the deposition was terminated at  
4 11:15 a.m.)  
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I, LEWIS JOHN HARTMAN, DO HEREBY CERTIFY that I  
have this day read the foregoing deposition, and do hereby  
declare that the same is a true and accurate transcript  
of the proceedings had at the time and place herein  
designated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
LEWIS JOHN HARTMAN

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

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CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF SEMINOLE

I, the undersigned authority, certify that  
LEWIS JOHN HARTMAN personally appeared before me

8 and was duly sworn.  
9  
10 witness my hand and official seal this 17th day  
11 of May, 2005.  
12  
13  
14  
15 JUNE M. BUFFORD, RPR  
16 NOTARY PUBLIC - STATE OF FLORIDA  
17 My Commission No. CC 802173  
18 Expires: 1-13-2007  
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1 CERTIFICATE OF REPORTER  
2  
3 STATE OF FLORIDA  
4 COUNTY OF SEMINOLE  
5  
6 I, JUNE M. BUFFORD, Court Reporter, certify that  
7 I was authorized to and did stenographically report the  
8 deposition of LEWIS JOHN HARTMAN; that a review of the  
9 transcript was requested; and that the transcript is a true  
10 and complete record of my stenographic notes.  
11  
12 I FURTHER CERTIFY that I am not a relative,  
13 employee, attorney, or counsel of any of the parties, nor am  
14 I a relative or employee of any of the parties' attorney or  
15 counsel connected with the action, nor am I financially  
16 interested in the action.

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Dated this the 17th day of May, 2005.

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JUNE M. BUFFORD, RPR

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